

EXHIBIT

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SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

ALLISON MARSTON DANNER (CASBN 195046)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7144
Fax: (415) 436-7234
Email: allison.danner@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL YOUNG,

Defendant.

No. CR-07-0559-JSW

DECLARATION OF DIRK CARR IN
SUPPORT OF UNITED STATES'
OPPOSITION TO DEFENDANT'S
MOTION TO EXCLUDE EVIDENCE

I, Dirk Carr, declare:

1. I have personal knowledge of the facts set forth below, except as to those matters stated on information and belief which I am informed and believe to be true. If called as a witness, I could and would testify competently to the facts stated in this declaration

2. I am the Assistant Director of Security at the Hilton Hotel San Francisco, located at 333 O'Farrell Street in San Francisco, California (hereinafter "the Hilton"). I have been employed in this position for three years. I have worked at the Hilton hotel for seven years.

3. Around 5:30 pm on August 5, 2007, I was told that James Johnson, a guest at the hotel

DECLARATION OF DIRK CARR
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1 staying in room 13572, had reported that items had been stolen from his room. These items
2 included a laptop computer and an iPod.

3 4. By looking at the registration and lock interrogation records, I determined that another
4 guest, Michael Young, staying in room 13575 had by mistake been given keys to room 13572.

5 5. I contacted Michael Young in room 13575. I asked him what room he was staying in.
6 Young told me he was staying in room 13575. I asked Young if I could go up and speak with
7 him, and he told me that he could.

8 6. Around 8:30 pm that evening, I went up with Roger Hicks to rooms 13572 and 13575 to
9 look for the missing items. Room 13572 was vacant and had no guest property in it. We
10 knocked on the door to room 13575, but no one answered. We opened door to room 13575 with
11 a security master key. Hicks and I found two backpacks in the room, one under the bed and one
12 in the closet. We opened the backpack in the closet and found the gun. We zipped the backpack
13 back up and put it back in the closet. We also found an empty key packet for room 13572 on the
14 bed. The items belonging to Johnson were not in room 13575.

15 7. I called Bill Marweg, Director of Security at the Hilton, and informed him of what had
16 happened. He instructed me to leave the gun in the room and to place the room on electronic
17 lockout.

18 8. I went home for the evening but was called back to the hotel by Roger Hicks. Hicks told
19 me that Young had returned to the hotel. When I arrived back at the Hilton, Hicks and I and a
20 San Francisco Police Department officer went upstairs to room 13575. Hicks and I went in the
21 room while the officer waited in the hallway. I went to get the backpack under the bed, and I saw
22 the other backpack in the closet. By the time I had retrieved the backpack from under the bed, I
23 noticed that the other backpack was lying on the bed.

24 9. The police officer then came inside the room and took possession of the blue backpack.

25 10. At no time did the officer tell me to open the backpack, search the room, or show him the
26 gun.

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DECLARATION OF DIRK CARR
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1 I declare under penalty of perjury, according to the laws of the United States, that the
2 foregoing is true and correct to the best of my recollection and belief. Executed this 20 day of
3 September, 2007 at San Francisco, California.

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6 DIRK CARR
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DECLARATION OF DIRK CARR
[CR 07-0559 JSW]